

Case 6823D

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In The Application Of : G.L. Elder et al.
Serial No. : 10/027,295
Group Art Unit : 3761
Confirmation No. : 1812
Filed : December 20, 2001
Examiner : J.F. Stephens
For: Absorbent Article and Method For Maintaining or Improving Skin Health

**Petition to Accept an Unintentionally Delayed Claim for Benefit
of an Earlier Filing Date Under 37 C.F.R. §1.78(a)(3)**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants hereby petition the Commissioner for Patents to accept the claim for benefit of an earlier filing date under 37 C.F.R. §1.78(a)(3). Applicants respectfully request entry of the following amendments and consideration of the following remarks.

REMARKS

Applicants, in a separately filed response to an Office Action dated June 2, 2004, have requested amendment of the first line of the specification as follows:

—This is a divisional application claiming the benefit of co-pending U.S. Application Serial No. 08/926,532, filed on September 10, 1997 by Elder et al.; which is a continuation-in-part of U.S. Application Serial No. 08/884,069, filed on June 27, 1997, now U.S. Patent No. 6,118,041; which is a continuation of U.S. Application Serial No. 08/345,159, filed November 28, 1994, now U.S. Patent No. 5,643,588. --

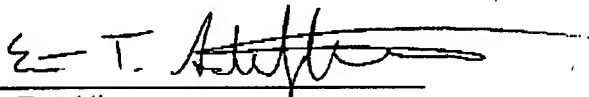
Appl. No. 10/027,295
Atty. Docket No. 6823D
Petition Dated Sept. 2, 2004

The entire delay between the date the claim was due under 37 C.F.R. §1.78(a)(2)(ii) and the date of this petition was unintentional. Priority to co-pending U.S. Application Serial No. 08/926,532 was already recited in the present application as filed. However, Application 08/926,532 did not recite a claim for benefit of an earlier filing date to Application 08/884,069 or Application 08/345,159 as of the filing of the present application. An amendment reciting a claim for benefit of an earlier filing date to Application 08/884,069 and Application 08/345,159 was entered after filing of the present application. Failure to submit an analogous amendment in the present application reciting the claim for benefit to Application 08/884,069 and Application 08/345,159 was merely an oversight. The Office Action dated June 2, 2004 prompted review of the present application and, thus, the need for the amendment.

The Office is hereby authorized to charge payment of the petition fee under 37 CFR 1.17(t), and any other necessary fees, to Deposit Account No. 16-2480. A duplicate copy of this petition is included for this purpose.

Respectfully submitted,

By


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September 2, 2004
Customer No. 27752